

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

WITTEN ROOFING, LLC

CIVIL ACTION NO. 22-cv-1341

VERSUS

JUDGE ELIZABETH E. FOOTE

VALLEY FORGE INSURANCE CO

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

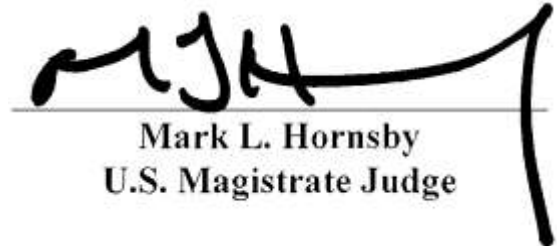
Witten Roofing, LLC filed this civil action based on an assertion of diversity jurisdiction, which puts the burden on it to set forth specific allegations that show complete diversity of citizenship of the parties and an amount in controversy in excess of \$75,000. The allegations in the complaint are sufficient as to the amount in controversy and the citizenship of defendant Valley Forge Insurance Company, but more information is needed with regard to the citizenship of Witten Roofing.

Witten Roofing alleges that it is a “Louisiana limited liability corporation” with its principal place of business in Louisiana. This allegation is ambiguous as to whether Witten is a corporation or an unincorporated limited liability company. If it is a limited liability company, as its name suggests, its citizenship is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017). If the members are themselves

partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Mullins v. TestAmerica Inc., 564 F.3d 386, 397-98 (5th Cir. 2009); Rodidaco, Inc. v. Chesapeake Energy Louisiana Corp. 2018 WL 3551525 (W.D. La. 2018).

Witten Roofing must file, no later than **June 6, 2022**, an amended complaint that clarifies whether it is a corporation or a limited liability company. If it is a limited liability company, the amended complaint must specifically identify its members and their citizenship in accordance with the applicable rules.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 24th day of May, 2022.



Mark L. Hornsby
U.S. Magistrate Judge